

## Office Action Summary

Application No.

09/716,232

Applicant(s)

TSAI ET AL.

Examiner

Heather D Gibbs

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 November 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

DETAILED ACTION

*Claim Rejections - 35 USC § 102*

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

1. Claims 1,5 are rejected under 35 U.S.C. 102(e) as being anticipated by Sung (US 6,587,231).

Sung teaches of an image scanning device comprising: a lower housing 3, comprising a document plate, which is positioned at the top side of said lower housing for placing a document (Col 3 Lines 32-36); and an upper housing 2, positioned above said lower housing, comprising a scanning module 5, positioned inside said upper housing for transforming an optical image to digitalized image signals and a driving module 4, positioned inside said upper housing for driving said scanning module to conduct the scanning (Col 2 Lines 43-57).

Considering claim 5, Sung teaches wherein said upper housing and said lower housing are engaged by an axle for closing and opening purposes (Col 2 Lines 39-48).

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*Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2,6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sung (US 6,587,231) in view of Wang et al (US 6,489,602).

Regarding claim 2, Sung teaches of the image scanning apparatus as discussed above in claim 1, but fails to particularly point out wherein said scanning module comprises at least: a reflective document light source for generating a light to a reflective document; an image generating device for transforming said optical image of said document to said digitalized image signals; and a lens, placed between said reflective document light source and said image generating device, for focusing said optical image onto said image generating device.

Wang teaches of light trace from a transmission mode scanning operation, from a reflection-mode light provider 321; an image generating device which consists of mirrors M and an image pickup device 323 (Col 6 Lines 42-65), and a lens 17 that is part of the image generating/pickup device (Col 1 Lines 35-52).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Wang's scanning module in the image scanning apparatus of Sung. Sung's image scanning apparatus would easily be modified to include Wang's scanning

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module as means for synchronizing the transmission of the scanning process, as taught by Wang et al.

Regarding claim 6, Sung teaches of the image scanning device as discussed above in claim 1, but fails to particularly teach wherein said lower housing further comprises: a transparent document light source for projecting a light to a transparent document; and a light source driving module for moving said transparent document light source synchronously with said scanning module to conduct the scanning.

Wang teaches wherein the transmission-mode light provider 311 and the carriage 322 is provided with driving device 34 to connect the transmission-mode light provider 311 with the carriage 322 in order to move them synchronously (Col 5 Lines 15-25).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Wang's light source in the image scanning apparatus of Sung. Sung's image scanning apparatus would easily be modified to include Wang's light source as means for transmitting the document to be scanned.

Regarding claim 7, Sung teaches of the image scanning device as discussed above but fails to particularly point out wherein said lower housing further comprises: a light source for producing a light; and a light plate, positioned below said document plate for distributing said light equally to said document.

Wang teaches of a transmission-mode light provider that indicates a device for providing a light signal for the document to be scanned to perform a transmission-mode scanning operation. Generally, the light provider is a lamp, however if the light provider were a light plate, it would not take away from the spirit or scope of Wang's light source (Col 6 Lines 33-37).

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At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Wang's light source in the image scanning apparatus of Sung. Sung's image scanning apparatus would easily be modified to include Wang's light source as measured for emitting light.

4. Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sung (US 6,587,231) in view of Yamada et al (US 6,147,778).

Regarding claim 3, Sung teaches of the image scanning device as described above in claim 1, but fails to particularly point out wherein said lower housing comprises a weight device for increasing the weight of said lower housing.

Yamada et al teach of an image reading apparatus wherein the lower portion is/was made of a metal plate (Col1 Lines 15-33 and Col2 Lines 51-65).

Regarding claim 4, it would be a design choice to have the weight device made of Lead.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Yamada's lower metal plate in the image scanning apparatus of Sung. Sung's image scanning apparatus would easily be modified to include Yamada's (lead) metal plate to prevent the floating of the original, as taught by Yamada et al.

### *Drawings*

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: Ref 111 and Ref 331 and 3141. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the

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Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather D Gibbs whose telephone number is 703-306-4152. The examiner can normally be reached on M-F 8AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on 703-305-4712. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

hdg



Heather D Gibbs  
Examiner  
Art Unit 2622



EDWARD COLES  
SUPERVISORY PATENT EXAMINER  
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